

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

Order of Continuance

RICHARD BANCA,

20 Mag. 2685

Defendant.

Upon the application of the United States of America and the affirmation of Sarah Mortazavi, Assistant United States Attorney for the Southern District of New York, it is found that the defendant was charged with violating Title 18, United States Code, Section 371 in a complaint dated March 9, 2020, and was arrested on March 9, 2020;

It is further found that the defendant appeared before Magistrate Judge Ona T. Wang on March 9, 2020 and released on bail;

It is further found that on April 9, 2020, the Honorable James L. Cott, U.S. Magistrate Judge for the U.S. District Court for the Southern District of New York, granted a continuance of 30 days upon the Government's application;

It is further found that on May 8, 2020, the Honorable Barbara C. Moses, U.S. Magistrate Judge for the U.S. District Court for the Southern District of New York, granted a continuance of 30 days upon the Government's application;

It is further found that on June 8, 2020, the Honorable Debra C. Freeman, U.S. Magistrate Judge for the U.S. District Court for the Southern District of New York, granted a continuance of 30 days upon the Government's application;

It is further found that on July 8, 2020, the Honorable Sarah Netburn, U.S. Magistrate Judge for the U.S. District Court for the Southern District of New York, granted a continuance of 30 days upon the Government's application;

It is further found that on August 7, 2020, the Honorable Kevin N. Fox, U.S. Magistrate Judge for the U.S. District Court for the Southern District of New York, granted a continuance of 30 days upon the Government's application;

It is further found that David Louis Cohen, counsel for the defendant, and Assistant United States Attorney Sarah Mortazavi have been engaged in, and are continuing, discussions concerning a possible disposition of this case;

It is further found that the Government has requested a continuance of 30 days to engage in further discussions with counsel and that the defendant, through counsel, has consented that such a continuance may be granted for that purpose and has specifically waived his right to be charged in an indictment or information for an additional 30 days; and

It is further found that the granting of such a continuance best serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial; and therefore it is:

[Continued]

ORDERED that the request for a continuance pursuant to 18 U.S.C. § 3161(h)(7)(A) is hereby granted until October 8, 2020, and that a copy of this Order and the affirmation of Assistant United States Attorney Sarah Mortazavi be filed under seal and served by mail on this date on counsel for the defendant by the United States Attorney's Office.

Dated: New York, New York
September 8, 2020

A handwritten signature in black ink, appearing to read "JL Men", is written above a horizontal line.

United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RICHARD BANCA,

Defendant.

Affidavit Requesting
Order of Continuance

20 Mag. 2685

State of New York)
County of New York) ss.:
Southern District of New York)

Sarah Mortazavi, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an Assistant United States Attorney in the Office of Audrey Strauss, Acting United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated March 9, 2020, with violating Title 18, United States Code, Section 347. The defendant was arrested on March 9, 2020 and presented before Magistrate Judge Ona T. Wang on March 9, 2020. The defendant was released on bail.

3. On April 9, 2020, the Honorable James L. Cott, U.S. Magistrate Judge for the District Court for the Southern District of New York, granted a continuance of 30 days, upon the Government's application. On May 8, 2020, the Honorable Barbara C. Moses, U.S. Magistrate Judge for the District Court for the Southern District of New York, granted a continuance of 30 days, upon the Government's application. On June 8, 2020, the Honorable Debra C. Freeman, U.S. Magistrate Judge for the District Court for the Southern District of New York, granted a


continuance of 30 days, upon the Government's application. On July 8, 2020, the Honorable Sarah Netburn, U.S. Magistrate Judge for the U.S. District Court for the Southern District of New York, granted a continuance of 30 days upon the Government's application. On August 7, 2020, the Honorable Kevin N. Fox, U.S. Magistrate Judge for the U.S. District Court for the Southern District of New York, granted a continuance of 30 days upon the Government's application;

4. Defense counsel and I have had discussions regarding a possible disposition of this case. The discussions have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on September 8, 2020.

5. Therefore, the Government is requesting a 30-day continuance until October 8, 2020, to continue the foregoing discussions. On September 4, 2020, I personally heard from defense counsel, who specifically consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
September 4, 2020



Sarah Mortazavi
Assistant United States Attorney
(212) 637-2520